

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GENE CELLI,

Plaintiff,

v.

CIGNA HEALTH, *et. al.*,

Defendants.

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Case No. 15-11393

Honorable John Corbett O'Meara

**ORDER OF PARTIAL DISMISSAL**

Plaintiff Gene Celli filed a six-count complaint in this court alleging causes of action under the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. § 1132(a)(1)(B), and Michigan's No-Fault Act, Mich. Comp. Laws Ann. §§ 550.3101 *et seq.*

Although Plaintiff's causes of action arising under federal law are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations of the complaint are based solely on state law. Plaintiff has failed to show that the parties to this action are diverse, and the court declines to exercise supplemental jurisdiction over Plaintiff's state law claims in order to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); and Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994). Therefore, it is hereby **ORDERED** that Count V is **DISMISSED**, along with the portions of Counts I, II, III, IV and VI that assert violations of Michigan's No-Fault Act.

s/John Corbett O'Meara  
United States District Judge

Date: June 2, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, June 2, 2015, using the ECF system.

s/William Barkholz  
Case Manager